

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32542 of 2008
LALA SHARMA @ BRIJWASI SHARMA @
Lakeshwar Sharma, son of Late Radha
Sharma, resident of village- Sitalpur
Sharmatola, P.S. Dighwara, District-
Saran Petitioner
Versus
THE STATE OF BIHAR Opp.Party

2. 22/10/2008 Heard learned counsel for the petitioner
and learned counsel for the State.

Case is under sections 341, 323, 324, 307
and 34 of the Indian Penal Code.

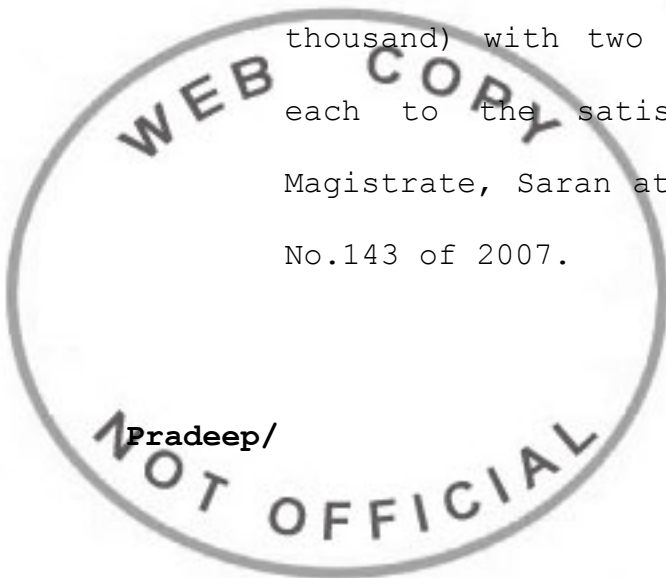
Allegation in the F.I.R. is that the
informant, a rickshaw puller demanded fare from
the petitioner and another person which was
denied and instead the informant was assaulted
by them.

Case diary was made available by learned
counsel for the petitioner to learned counsel
for the State. After going through the case
diary, learned counsel for the State submits
that some independent witnesses have disclosed
during investigation that in fact dispute
between the informant and the petitioner started
on account of payment with regard to the liquor
which both of them were taking at a toddy shop
and in intoxicated condition there was scuffle
between them and the petitioner assaulted the

informant. Another person named in the F.I.R. has been exonerated by the police.

It is also stated by learned counsel for the petitioner that requisition was sent to the concerned hospital for injury report of the informant but as the injury report was not available in the hospital, the same could not be sent to the police. Petitioner is in custody since 23.6.2008.

In the circumstances, this application is allowed. Let petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in Dighwara P.S. Case No.143 of 2007.



(J. N. Singh, J.)